

### **REMARKS**

Claims 1, 10, 20 and 26-29 are pending in this application after this amendment. Claims 1, 10 and 20 are independent. New claims 26-29 are presented for consideration by the Examiner. No new matter is introduced in these claims. In light of the remarks included herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1 and 10 under 35 U.S.C. §103(a) as being unpatentable over *Watanabe et al.* (USP 5,953,481) in view of *Steinberg et al.* (USP 5,862,217); and rejected claim 20 under 35 U.S.C. 103(a) as being unpatentable over *Watanabe et al.* in view of *Steinberg et al.* and further in view of *Peters* (USP 6,601,093). Applicants respectfully traverse these rejections.

#### **Prior Art Rejections – *Watanabe/Steinberg***

In their previous Reply, Applicants argued that the remote control signals of *Watanabe et al.* are insufficient to teach or suggest the enciphering device as claimed. In response to this argument, the Examiner asserts that the remote control code storing part is arranged to register beforehand VTRs usable for editing and to hold code strings forming remote control signals that are respectively associated for use with VTRs as registered. The Examiner concludes that each device is associated with its own particular code and therefore meets the claim limitations. Applicants respectfully disagree with the Examiner's assertions.

The newly added claim element recites "an enciphering device that enciphers, according to the identification information, at least one of the image data and the operation information. This clearly recites that an active step of performing enciphering by the enciphering device is required by the claim. Even assuming the Examiner's assertions that each device is associated with its own particular code, this teaching is insufficient to teach the enciphering device that enciphers, according to the identification information. As such, Applicants maintain that the cited art fails to teach or suggest this claim element.

In addition, Applicants maintain their position that there is no rationale to modify the device of *Watanabe et al.*, as suggested by the Examiner as *Watanabe et al.* teaches away from the purported combination as asserted by the Examiner. Further, it is well established that where the suggested combination of references would require a substantial reconstruction and redesign of the elements shown in the primary reference as well as a change in the basic principle under which the primary reference construction was designed to operate, one skilled in the art would not be motivated to combine the teachings. See *In re Ratti*, 270 F.2d 810, 813, 123 USPQ 349, 352).

As the Examiner is seeking to modify *Watanabe et al.* to transmit image data wirelessly, Applicants submit that this modification would require substantial reconstruction and redesign of the device of *Watanabe et al.* As such, one skilled in the art would not be motivated to make the modification as suggested by the Examiner.

### **Conclusion**

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 09/933,197  
Amendment dated June 26, 2007  
Reply to Office Action of March 26, 2007

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By

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